

ESTTA Tracking number: **ESTTA242652**Filing date: **10/14/2008**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047013
Party	Plaintiff NeTrack, Inc.
Correspondence Address	Carl Oppedahl Oppedahl Patent Law Firm LLC P.O. Box 4850 Frisco, CO 80443-4850 UNITED STATES docket-oppedahl@oppedahl.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Terrence M. Wyles
Filer's e-mail	docket-oppedahl@oppedahl.com
Signature	/s/
Date	10/14/2008
Attachments	<p>2008-10-14-DRAFT-NTer-i007-Notice-of-Reliance-on-Docs-Produced-by-Registrant.pdf (5 pages)(28521 bytes)</p> <p>Exhibit-H-Whols-nettraklm-com.pdf (4 pages)(219324 bytes)</p> <p>Exhibit-I-Abandoned-NetTrak-Application.pdf (13 pages)(361523 bytes)</p> <p>Exhibit-J-SAEJIS-Printout-of-NETTRAK-Record.pdf (3 pages)(70639 bytes)</p> <p>Exhibit-K-New-NetTrak-Lead-Mgr-Site-Coming-Soon-Screenshot.pdf (3 pages)(124856 bytes)</p> <p>Exhibit-L-NetTrak-Internet-CRM-Webpages.pdf (6 pages)(680809 bytes)</p> <p>Exhibit-M-2008-10-14-75287548-USPTO-Electronic-Record.pdf (5 pages)(116251 bytes)</p> <p>Exhibit-N-WayBackMachine-Report-on-NeTrack-com.pdf (2 pages)(46378 bytes)</p> <p>Exhibit-O-WayBackMachine-image-of-1998-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(41073 bytes)</p> <p>Exhibit-P-WayBackMachine-image-of-2002-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(38882 bytes)</p> <p>Exhibit-Q-WayBackMachine-image-of-2003-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(38207 bytes)</p> <p>Exhibit-R-WayBackMachine-image-of-Aug2003-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(38561 bytes)</p> <p>Exhibit-S-WayBackMachine-image-of-Sept2003-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(46483 bytes)</p> <p>Exhibit-T-WayBackMachine-image-of-Oct2003-Petitioner-use-of-NeTrack-mark.pdf (2 pages)(44931 bytes)</p> <p>Exhibit-U-Registrant-Provided-image-of-Aug2003-version-of-NetTrack-Net-page.pdf (2 pages)(59389 bytes)</p> <p>Exhibit-V-WayBackMachine-Report-on-NeTrack-net.pdf (2 pages)(68413 bytes)</p> <p>Exhibit-W-NetTrak-mark-shown-in-internet-fx-com-website.pdf (17 pages)(1788124 bytes)</p> <p>Exhibit-X-NetTrak-mark-shown-with-PalmIII-pager-service.pdf (16 pages)(1897568 bytes)</p> <p>Exhibit-Y-worlddealer-net.pdf (2 pages)(59687 bytes)</p>



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 3,064,820

Mark: NETTRAK

Registered March 7, 2006

Netrack, Inc., Petitioner)	
)	
v.)	Cancellation No. 92047013
)	
Internet FX, Inc., Registrant)	

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

NOTICE OF RELIANCE

Pursuant to TBMP § 704.02, the Petitioner hereby notifies the Board and the Registrant that, in support of the Petitioner's Cancellation Action, the Petitioner is relying on the following Registrant-produced documents that the Registrant produced (and therefore, effectively authenticated) in answer to both Interrogatory No. 9 of Petitioner's First Set of Interrogatories to Registrant and Petitioner's First Set of Requests for the Production of Documents and Things. Accordingly, the Petitioner introduces each of the below-listed documents as Exhibits respectfully requests that said Exhibits be admitted into evidence:

Exhibit H: This Registrant-produced document is a webpage screenshot of "WhoIs" record from NetworkSolutions over the domain name "nettraklm.com".

Exhibit I: This Registrant-produced document is a printout from the electronic records database of the United States Patent and Trademark Office of the Registrant's first application for the mark NETTRAK, Serial No. 78/011,048, which was filed on June 2, 2000, and which went

abandoned on April 17, 2002. Said electronic records of this abandoned application are shown as not complete by the USPTO website, and the Petitioner has requested that the USPTO complete the scanning of the file record for this abandoned application. The Petitioner intends to introduce said fully scanned record before the close of the testimony period.

Exhibit J: This Registrant-produced document is a printout from the electronic records database of SAEGIS.COM for the mark NETTRAK, Registration No. 3,064,820, which also shows a confusion on the name and address of the mark assignee, reflecting confusion between the marks in question.

Exhibit K: This Registrant-produced document is a printout from one of the Registrant's webpages, and shows the use of the mark NetTrak in a stylized fashion very similar to that of the way the Petitioner's mark is presented on webpages and marketing materials.

Exhibit L: This Registrant-produced document is a printout from Registrant's webpages at leadcrm.com, entitled NetTrak Internet CRM, and shows the use of the mark NetTrak in a stylized fashion very similar to that of the way the Petitioner's mark is presented on webpages and marketing materials.

Exhibit M: This Registrant-produced document is a printout from the electronic records database of the United States Patent and Trademark Office of the Petitioner's application for the mark NETRACK, Serial No. 75/287,548, which was filed on May 6, 1997, and which matured to Registration No. 2,139,229 on February 24, 1998.

Exhibit N: This Registrant-produced document is a printout from the archive.org's "Wayback Machine" showing that the NeTrack.com website was in existence at least as early as November 12, 1996.

Exhibit O: This Registrant-produced document is a printout from the archive.org's "Wayback

Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as July 11, 1998.

Exhibit P: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as December 25, 2002.

Exhibit Q: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as January 30, 2003.

Exhibit R: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as August 21, 2003.

Exhibit S: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as September 22, 2003.

Exhibit T: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as October 24, 2003.

Exhibit U: This Registrant-produced document is a printout from Petitioner’s NeTrack.net webpages showing an image of how the Petitioner used the mark NeTrack (as well as its stylization) at least as early as August 7, 2007.

Exhibit V: This Registrant-produced document is a printout from the archive.org’s “Wayback Machine” showing that the NeTrack.net website was in existence at least as early as April 16,

1997.

Exhibit W: This Registrant-produced document is a printout from the Registrant's internet-fx.com website, which prominently displays the NetTrak mark.

Exhibit X: This Registrant-produced document is a printout from the Registrant's internet-fx.com website, showing the use of the NetTrak mark in conjunction with the "mywebpager.com" website and handheld pager device.

Exhibit Y: This Registrant-produced document is a printout from the worlddealer.net website, which is a website appearing to promote the establishment of auto dealer websites, and featuring the NetTrak mark prominently.

WHEREFORE, the Petitioner respectfully requests that the Registrant-produced documents included in Exhibits H through Y be entered into evidence.

Respectfully submitted,

/s/
Terrence M. Wyles, Attorney
Colorado Reg. #39799

Attorneys for Petitioner: Carl Oppedahl
Jessica L. Olson
Terrence M. Wyles
P.O. Box 4850
Frisco, CO 80443-4850
Tel: +1 970 468-8600
Fax: +1 970 692-2203

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing NOTICE OF RELIANCE on Registrant-produced documents included in Exhibits H through Y was deposited on October 15, 2008 with the United States Post Office, First Class postage prepaid, and addressed to the Registrant's Correspondent as follows:

SUSAN E. HOLLANDER & BRITT L. ANDERSON
MANATT, PHELPS & PHILLIPS, LLP
1001 PAGE MILL ROAD, BLDG. 2
PALO ALTO, CA 94304

/s/
Terrence M. Wyles, Attorney
Colorado Reg. #39799

Attorneys for Petitioner: Carl Oppedahl
Jessica L. Olson
Terrence M. Wyles
P.O. Box 4850
Frisco, CO 80443-4850
Tel: +1 970 468-8600
Fax: +1 970 692-2203

EXHIBIT H

Network Solutions

Login

Customer Service
Call us toll free

Your cart is empty

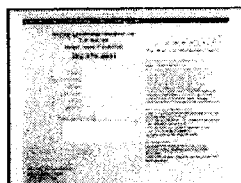
WHOIS Search Results

Available nettraklm extensions:

.net	.us	.info	.mobi	.biz	.tv	.ws	.bz	.de	.co.uk
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Order Selected Domain(s) //

WHOIS Record For



nettraklm.com

Services from Network Solutions:

Certified Offer Service - Let us help you get this domain name!

Backorder - Try to get this name when it becomes available.

SSL Certificates - Get peace of mind with a secure certificate.

The information in this whois database is provided for the sole purpose of assisting you in obtaining information about domain name registration records. This information is available "as is," and we do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (1) enable high volume, automated, electronic processes that stress or load this whois database system providing you this information; or (2) allow, enable, or otherwise support the transmission of mass, unsolicited, commercial advertising or solicitations via facsimile, electronic mail, or by telephone to entities other than your own existing customers. The compilation, repackaging, dissemination or other use of this data is expressly prohibited without prior written consent from this company. We reserve the right to modify these terms at any time. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. Please limit your queries to 10 per minute and one connection.

Registrant:

Chris Garver
19202 Foxtree Lane

SAVE over 70%

when you
your domains to
Network Solutions — your
trusted domain name provider!

Go //

Choose Your Domain Name
Provider Wisely and Transfer
Domains for \$9.99/yr

Learn the do's and don'ts of
search engine optimization.
Download our *Guide to Getting
Found Online* now.

Learn the Secrets
of Search Engine
OptimizationAttend our
SEO Seminar

Learn More //

Search Engines

TOP SECRET

Houston, TX 77094
US

Registrar: DOTSTER
Domain Name: NETTRAKLM.COM
Created on: 28-MAR-05
Expires on: 29-MAR-08
Last Updated on: 09-FEB-07

Administrative Contact:
Garver, Chris cgarver@mywebpager.com
19202 Foxtree Lane
Houston, TX 77094
US
281-579-0891

Technical Contact:
Hostmaster, IQS domreg@NAMESERVERS.COM
NameServers.com
3560 East Russell
Las Vegas, NV 89102
US
702-435-8233

Domain servers in listed order:
NS.NAMESERVERS.COM
NS2.NAMESERVERS.COM

End of Whois Information

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

[Show underlying registry data for this record](#)

Current Registrar: DOTSTER, INC.

IP Address: 216.46.171.235 (ARIN & RIPE IP search)
IP Location: US(UNITED STATES)-COLORADO-DENVER
Record Type: Domain Name
Server Type: Apache 1
Lock Status: clientDeleteProhibited
Web Site Status: Active
DMOZ no listings
Y! Directory: see listings
Secure: No
E-commerce: No
Traffic Ranking: 2
Data as of: 03-May-2007



Search ➔

SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

"C:/checkout/11.4.35/current/sf-view-

again.jsp"

- ☒ Domain Name
☐ NIC Handle
☐ IP Address

Search ➤**Need to get your business online?**

Our professional designers can build a custom Web site for your business.

\$11.95/month, plus a \$499.00 design fee

Go ➤**PerformanceClicks™ from Network Solutions**

Create and manage your pay per click advertising from as low as \$125/month plus \$99 one time set-up fee

Go ➤

"An outstanding customer service experience"
J.D. Power and Associates

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EXHIBIT I



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri Sep 7 04:09:21 EDT 2007

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#)
[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record:**Record 1 out of 4**[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

Word Mark NETTRAK
Goods and Services (ABANDONED) IC 035. US 100 101 102. G & S: PROVIDING AN ONLINE COMPUTER DATABASE FOR BUSINESSES TO TRACK POTENTIAL SALES LEADS THROUGH STATISTICAL DATA ABOUT CUSTOMERS. FIRST USE: 20000110. FIRST USE IN COMMERCE: 20000201
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78011048
Filing Date June 2, 2000
Current Filing Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) Internet FX, Inc. CORPORATION TEXAS 19202 Foxtree Ln. Houston TEXAS 77094
Attorney of Record RICHARD J. THOSTRUP
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date February 25, 2002

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#)
[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-09-07 20:16:41 ET

Serial Number: 78011048 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark (words only): NETTRAK

Standard Character claim: No

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2002-04-17

Filing Date: 2000-06-02

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter @uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-04-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Internet FX, Inc.

Address:

Internet FX, Inc.

19202 Foxtree Ln.

Houston, TX 77094

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

PROVIDING AN ONLINE COMPUTER DATABASE FOR BUSINESSES TO TRACK POTENTIAL SALES
LEADS THROUGH STATISTICAL DATA ABOUT CUSTOMERS

Basis: 1(a)

First Use Date: 2000-01-10

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78011048>

NET 00042

9/7/2007

First Use in Commerce Date: 2000-02-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-04-17 - Abandonment - Failure To Respond Or Late Response

2001-08-22 - Final refusal mailed

2001-08-22 - Assigned To Examiner

2001-05-16 - Communication received from applicant

2000-10-20 - Non-final action mailed

2000-10-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

RICHARD J. THOSTRUP

Correspondent

RICHARD J. THOSTRUP
440 LOUISIANA ST STE 1750
HOUSTON TX 77002-1691

Drawing Page

Serial Number:

78011048

Applicant:

Internet FX, Inc.
19202 Foxtree Ln.
Houston TX USA 77094



Date of First Use:

01/10/2000

Date of First Use in Commerce:

02/01/2000

Goods and Services:

NetTrak is a web based Internet Lead tracking program. NetTrak can be used by any business that generates prospects through their Internet Web Site. NetTrak is a tool for Sales Consultants to track potential customers and a management tool that gives statistical data on Internet Sales leads.

Mark:

NETTRAK



NO OCR



06-02-2000

NET 00044

Internet Transmission Date:

2000/06/02

Serial Number:

78011048

Filing Date:

2000/06/02



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 52
RAM ACCOUNTING DATE: 20000605



NO OCR



06-02-2000

NET 00045

<SERIAL NUMBER> 78011048
<FILING DATE> 06/02/2000

<DOCUMENT INFORMATION>
<TRADEMARK/SERVICEMARK APPLICATION>
<VERSION 1.2>

<APPLICANT INFORMATION>
<NAME> Internet FX, Inc.
<STREET> 19202 Foxtree Ln.
<CITY> Houston
<STATE> TX
<COUNTRY> USA
<ZIP/POSTAL CODE> 77094
<TELEPHONE NUMBER> 281-579-0891
<FAX NUMBER> 281-579-0891
<E-MAIL ADDRESS> cgarver@mywebpager.com

<APPLICANT ENTITY INFORMATION>
<CORPORATION: STATE/COUNTRY OF INCORPORATION> Texas

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> NetTrak
<TYPED FORM> Yes

* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended). *

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<USE IN COMMERCE: SECTION 1(a)> Yes

* Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. §1051(a), as amended.). Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services. *

<SPECIMEN> Yes

<SPECIMEN DESCRIPTION> NetTrak is a web based tracking program for Internet Lead Tracking. The Specimen is a screen shot of a customer data page.

<INTERNATIONAL CLASS NUMBER> 035

<LISTING OF GOODS AND/OR SERVICES> NetTrak is a web based Internet Lead tracking program. NetTrak can be used by any business that generates prospects through their Internet Web Site. NetTrak is a tool for Sales Consultants to track potential customers and a management tool that gives statistical data on Internet Sales leads.

<FIRST USE ANYWHERE DATE> 01/10/2000

<FIRST USE IN COMMERCE DATE> 02/01/2000

<FEE INFORMATION>

<TOTAL FEES PAID> 325.00

<NUMBER OF CLASSES> 1

<SIGNATURE AND OTHER INFORMATION>

* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true. *

<SIGNATURE> /Bernard C. Garver III/

<DATE> 06/02/2000

<NAME> Bernard C. Garver III

<TITLE> President

<MAILING ADDRESS>

<LINE> Internet FX, Inc.

<LINE> 19202 Foxtree Ln.

<LINE> Houston TX 77094

<CREDIT CARD INFORMATION>

<RAM SALE NUMBER> 52

<RAM ACCOUNTING DATE> 20000605

<SERIAL NUMBER INFORMATION>

<SERIAL NUMBER> 78/011048

<INTERNET TRANSMISSION DATE> Friday, 06-02-2000 18:12:40 EDT

<TEAS STAMP>

USPTO-21662158120-20000602181215562-78/011048-

121991eb4d3e3e49000200bebe68ed61d85-CC-52-20000602180315562

562

78011048

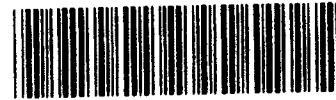
06/07/2000 9:56 AM

Drawing Page**Serial Number:**

78011048

Applicant:

Internet FX, Inc.
19202 Foxtree Ln.
Houston TX USA 77094

**Date of First Use:**

01/10/2000

Date of First Use in Commerce:

02/01/2000

Goods and Services:

NetTrak is a web based Internet Lead tracking program. NetTrak can be used by any business that generates prospects through their Internet Web Site. NetTrak is a tool for Sales Consultants to track potential customers and a management tool that gives statistical data on Internet Sales leads.

Mark:

NETTRAK



NO OCR



06-02-2000

NET 00048

ORIGINAL SPECIMEN

Internet Transmission Date:

2000/06/02

Filing Date:

2000/06/02

Serial Number:

78011048

Nettrak

SQL Lead Tracking Program
Customer Information Page

Microsoft Internet Explorer

Address Lines

Group: AUTOMOTIVE INC
Sterling McCall TOYOTA

Nettrak
by mywebpage.com

Appointments Search Statistics Manual Input Maintenance Check Email

Salesperson: [Dropdown]
Inquiry Date: 05-25-2000 Time: 10:37:40
Status: [Dropdown] [Print This Page](#)

Appointments: [Form]
Name: [Form] Phone: [Form]
Address: [Form] Cell Phone: [Form]
City: [Form] State: [Form] Zip: [Form]
Email: [Form]

Vehicle Information
Year: [Form] Make: [Form] Model: [Form] Mileage: [Form]
VIN: [Form] Color: [Form]

S A L E S

NOTES

Email Logging

2000-05-25 10:37:40 [Redacted]
2000-06-01 10:33:39 [Redacted]

Customer Comments

Full Customer History

Trade Information

Email Sent: [Form] Time: 10:10:45
Date: 06/02/2000
Make: [Form] Model: [Form]
Email Sent: [Form] Time: 10:33:39
Date: 06/02/2000
Make: [Form] Model: [Form]

Credit Application Information

Source: [Form]
Date of Birth: [Form]
Employer: [Form]
Salary: [Form]
Annual Income: [Form]
Debt: [Form]

The applicant has submitted required color specimen.
The USPTO has printed only one copy of the specimen,
and extra copies can be produced in-house as needed.

NET 00049

DUPLICATE SPECIMEN

Internet Transmission Date:

2000/06/02

Filing Date:

2000/06/02

Serial Number:

78011048

Nettrak

SQL Lead Tracking Program
Customer Information Page

Sterling McCall Toyota Lead Follow Up Program Microsoft Internet Explorer

GROUP AUTOMOTIVE INC
Sterling McCall TOYOTA

Darrin Schaefer
Nettrak
by mywebpage.com

Appointments Search Statistics Manual Input Maintenance Check Email

Salesperson: [Dropdown] Inquiry Date 05-25-2000 Time 10:37:40
Lead Source: AutoByTel
Print This Page

Status: [Dropdown]

Appointments: [Dropdown] [Dropdown] [Dropdown] [Dropdown] [Dropdown] [Dropdown]

Name: [Text] Hm. Ph: [Text] Mm. Ph: [Text]
Add: [Text] Cell Ph: [Text] Pager: [Text]
Add: [Text] Email: [Text]
City: [Text] State: [Text] Zip: [Text]

Vehicle Information

Year: [Text] Make: [Text] Mileage: [Text] Bid Color: [Text] Title: [Text]
Model: [Text] Hb Color: [Text] Vehicle Type: [Text]

S A L E S

NOTES

Email Logging

2000-05-25 10:34:20 from [Text] to [Text]
2000-06-01 10:11:08 from [Text] to [Text]

Customer Comments

Full Customer History

Email Sent: [Text] Time: 10:10:45
Email Sent: [Text] Time: 10:33:39

Trade Information

Year: [Text] Mileage: [Text]
Make: [Text] Model: [Text]

Credit Application Information

Applicant's Name: [Text]
Date of Birth: [Text]
Employer: [Text]
Salary: [Text]
Home Address: [Text]
Home Phone: [Text]

The applicant has submitted required color specimen.
The USPTO has printed only one copy of the specimen,
and extra copies can be produced in-house as needed.

NET 00050

DUPLICATE SPECIMEN

Internet Transmission Date:


2000/06/02

Filing Date:

2000/06/02

Serial Number:

78011048


SQL Lead Tracking Program
Customer Information Page

Sterling McCall Toyota Lead Follow Up Program

Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address Links

Darwin Schaefer

Nettrak
by mywebpage.com

GROUP: AUTOMOTIVE INC
Sterling McCall TOYOTA

Appointments Search Statistics Manual Input Maintenance Check Email

Salesperson: [dropdown]

Status: [dropdown]

Appointments: [dropdown] [dropdown] [dropdown] [dropdown]

Name: [text] No. Ph: [text] Fax Ph: [text]

Addr: [text] City: [text] State: [text] Zip: [text]

App 2: [text] Email: [text]

Vehicle Information

Year: [text] Make: [text] Model: [text] Mileage: [text]

Color: [text] [text] [text] [text]

SALES

NOTES

Pat Dinh
Brenda Wright
Duane Ubray
Abhinav Kulkarni
John Barbo
Dan Herring
Juan Martinez
Lyon Martinez

Inquiry Date 05-25-2000 Time 10:17:48

Lead Source: AutoByTel

Print This Page

Email Logging

2000-05-25 10:34:20 [text]
2000-06-01 10:11:08 [text]

Customer Comments

Full Customer History

Email Sent: [text] Time: 10:10:45

Email Sent: [text] Time: 10:33:39

Trade Information

Year: [text] Make: [text] Model: [text]

Credit Application Information

[text] [text] [text] [text] [text] [text] [text] [text]

The applicant has submitted required color specimen.
The USPTO has printed only one copy of the specimen,
and extra copies can be produced in-house as needed.

NET 00051



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For Serial Number: 78011048

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Web interface last modified: April 20, 2007 v.2.0.1

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EXHIBIT J

Full Text Record

NETTRAK

US-1:Q1

Image

NETTRAK

Trademark NETTRAK

Cross References NET TRACK

Design Type BLOCK LETTERS

Database U.S. Federal

Application Number 76608800

Registration Number 3064820

Status REGISTERED
Section 2(F)

USPTO Status (790) CANCELLATION PENDING

USPTO Status Date 01-FEB-2007

Filed 23-AUG-2004

Published 13-DEC-2005

Registered 07-MAR-2006

International Class(es) 9 (Electrical and scientific apparatus)

Goods and Services (INT. CL. 9) COMPUTER SOFTWARE FOR USE BY AUTOMOBILE DEALSHIP MANAGEMENT IN TRACKING WEB BASED SALES

International Class **International Class:** 09
First Used: 10-JAN-2000
In Commerce: 01-FEB-2000

Post Registration Owner NETTRACK LEAD MANAGER SOLUTIONS, LTD.
COLORADO CORPORATION
3080 VALMONT ROAD, SUITE 200
BOULDER, COLORADO 80301

Registrant INTERNET FX, INC.
TEXAS CORPORATION
19202 FOXTREE LANE
HOUSTON, TEXAS 77094

Owner at Publication INTERNET FX, INC.
TEXAS CORPORATION
19202 FOXTREE LANE
HOUSTON, TEXAS 77094

Applicant INTERNET FX, INC.
TEXAS CORPORATION
19202 FOXTREE LANE
HOUSTON, TEXAS 77094

Assignment Information **Assignee:**
NETTRACK LEAD MANAGER SOLUTIONS, LTD.
COLORADO CORPORATION
3080 VALMONT ROAD, SUITE 200
BOULDER, COLORADO 80301
Assignor:
INTERNET FX, INC.
TEXAS CORPORATION
Correspondent:
SUSAN E. HOLLANDER, ESQ.
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CA 94304
Brief: ASSIGNS THE ENTIRE INTEREST
Signed: 23-MAR-2007
Recorded: 27-JUN-2007
Reel/Frame: 3569/0515

TTAB Information **Cancellation Number:** 92047013
Date: 01-FEB-2007
Outcome: PENDING, 01-FEB-2007
Defendant: INTERNET FX, INC.
Application Number: 76608800
Registration Number: 3064820

NET 00057

Mark: NETTRAK

Trademark Defendant Correspondent:

SUSAN E. HOLLANDER, LAURA M. FRANCO
MANATT, PHELPS & PHILLIPS, LLP
1001 PAGE MILL ROAD, BLDG. 2
PALO ALTO

CA

94304

Plaintiff: NETRACK, INC.

Correspondent:

CARL OPPEDAHN
OPPEDAHN PATENT LAW FIRM LLC
P.O. BOX 4850
FRISCO
CO

80443-4850

TTAB Entry: #3 D'S MOTION TO REOPEN DISCOVERY, 30-AUG-2007

TTAB Entry: #2 LETTER RE: CORRESPONDENCE FOR PLAINTIFF, 30-AUG-2007

Filing Attorney

SUSAN E. HOLLANDER, ESQ.

Reference Number

25908-030A-9

Correspondent Info

SUSAN E. HOLLANDER, LAURA M. FRANCO
MANATT, PHELPS & PHILLIPS, LLP
1001 PAGE MILL ROAD, BLDG. 2
PALO ALTO, CA 94304

History

16-JUL-2007 ATTORNEY REVOKED AND/OR APPOINTED
16-JUL-2007 TEAS REVOKE/APPOINT ATTORNEY RECEIVED
04-JUL-2007 AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP
01-FEB-2007 CANCELLATION INSTITUTED NO. 999999
07-MAR-2006 REGISTERED-PRINCIPAL REGISTER
13-DEC-2005 PUBLISHED FOR OPPOSITION
23-NOV-2005 NOTICE OF PUBLICATION
26-OCT-2005 LAW OFFICE PUBLICATION REVIEW COMPLETED
21-OCT-2005 ASSIGNED TO LIE
19-OCT-2005 APPROVED FOR PUB - PRINCIPAL REGISTER
01-OCT-2005 AMENDMENT FROM APPLICANT ENTERED
22-SEP-2005 CORRESPONDENCE RECEIVED IN LAW OFFICE
22-SEP-2005 PAPER RECEIVED
24-MAR-2005 NON-FINAL ACTION MAILED
24-MAR-2005 NON-FINAL ACTION WRITTEN
23-MAR-2005 ASSIGNED TO EXAMINER
03-SEP-2004 NEW APPLICATION ENTERED IN TRAM

NET 00058

EXHIBIT K

New NetTrak Lead Manager Site Coming Soon

NetTrak Lead Manager Solutions, Ltd.

P.O. Box 389

Barker, Texas 77413-0389

281.579.0891

Name:
Business Name:
Phone:
Zip code:
e-mail:
Interest: Please Select

How Can We Assist You?

Submit

NetTrak Screen Shots:
[Appointment Page](#)
[Customer Page](#)
[Lead Source Report](#)
[Right Click Program](#)
[Navigation](#)

NetTrak
Web Based Lead Management Program

Use this form to contact us for more information on

Lead Management Software that:

- * Manages all of Your Internet Lead sources.
- * Manages Your Incoming Phone Leads.
- * Manages Your Showroom Traffic.
- * Powerful Tools for Your Sales Guides.
- * Powerful Tools for Your Managers.
- * Access Your Leads from From the Internet.
- * Wireless Notification and Remote Access.
- * Custom HTML e-mail Template Library.
- * Auto e-mail for Dormant Leads and Deliver

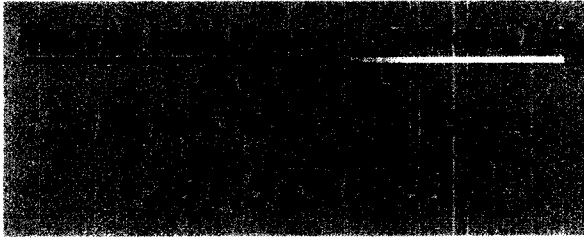
The NetTrak Advantage:

- * Fully Developed By Retail Automobile Peop
- * Designed for ease of use.
- * Low cost installation - No Additional Hardw
- * Low Monthly Service Fees.
- * No programs to install or updates to do.
- * 7 Days a week live support.
- * Designed for your data security.

NetTrak Facts:

- * Used by Auto Dealers for over 5 years.
- * Used by over 1,400 franchised Dealers Nationwide.
- * Auto Press Ranks NetTrak as one of the Top Lead Managers.

New NetTrak Lead Manager Site Coming Soon



NetTrak

Use this form to contact us for more information on

Lead Management Software that:

- * Manages all of Your Internet Lead sources.
- * Manages Your Incoming Phone Leads.
- * Manages Your Showroom Traffic.
- * Powerful Tools for Your Sales Guides.
- * Powerful Tools for Your Managers.
- * Access Your Leads from From the Internet.
- * Wireless Notification and Remote Access.
- * Custom HTML e-mail Template Library.
- * Auto e-mail for Dormant Leads and Delivered.

Name:

Business Name:

Phone:

Zip code:

e-mail:

Interest: Please Select

How Can We Assist You?

Submit

NetTrak Screen Shots:

[Appointment Page](#)

[Customer Page](#)

[Lead Source Report](#)

[Right Click Program](#)

[Navigation](#)

The NetTrak Advantage:

- * Fully Developed By Retail Automobile People.
- * Designed for ease of use.
- * Low cost installation - No Additional Hardware.
- * Low Monthly Service Fees.
- * No programs to install or updates to do.
- * 7 Days a week live support.
- * Designed for your data security.

NetTrak Facts:

- * Used by Auto Dealers for over 5 years.
- * Used by over 1,400 franchised Dealers Nationwide.
- * Auto Press Ranks NetTrak as one of the Top Lead Managers.

EXHIBIT L

NetTrak e-Prosppecting

Chris Garver / ILead CRM Demo

http://www.leadcrm.com - NetTrak Internet CRM - Microsoft Internet Explorer

General Vehicles Credit Email Log History Notes Survey Lead Automation Misc

QSearch

Prospect Id: [] 11392 Salesperson: Brian Cox
Incoming Date: June 2nd 2005 10:57AM Lead Source: Our IFX Website CDR: undefined S P

Name: Wayne Hamson Home Ph: (281) 203-8888 Work Ph: (832) 334-4334
Address: 8250 Boysenberry Cell Ph: Pager:
Address2: Alt Ph: Fax:
City Sealy State TX Phone Appt in ? days > 0 1 2 3 4 5 6 7 14
Zipcode 77474 Email Name: W...@mywebpager.com Email:

Lead Groups Appointments Reports Worksheets Help Maintenance Print Search Manual Input Email Bulk Email

Current Month Last Month With Left List Misc Reports Custom Report Generator

Sales Staff CDR Staff Leadsource Make Model City Zipcode Gross Profits by Staff Gross Profits by Leadsource Gross Profits by CDR CSI Index Time to First Contact Appt / Show - Sales Staff Appt / Show - CDR Staff Appt / Show - Leadsource Appt / Show - Action Taker

Refresh

263 Leads Match

June 03	Greg Larson
	Patrick Webber
	David A. Domingues
	David Domingues
	Chris Koster
June 02	
	Bill Grantham
	Wally Herman
	Wayne Hamson
	Donny Plpton
	Sissie Bakerson
	Ivelisse Torres
	Bobbie Morgenroth
June 01	
	Andrew Wong
	Connie Durouso
	Jeffrey Butler
	Daryl L. Stewart
	Ismael Carlo
	Kimella Robinson
	Charles Wyatt
	Centex Homes/Rick
	Shawet
	Blaine Tucker
	Karen Roy
	Karen Roy
	John Pierson
	Jim Pettillo
	Caesar Leita
	Fleet And Heather Rent
	Jim Pettillo
	Kenneth Purvis
	Francis C. Meddleton
May 31	
	Robert Brousseau
	Dennis Miley
	John James Jr

<http://www.leadcrm.com> - NetTrak Internet CRM - Microsoft Internet Explorer

Chris Garver / iLead CRM Demo
 LOG OUT

Menu
 TCN
 QSearch

1536 Leads Match
 Refresh
 May 31
 Robert Brousseau
 Dennis Miley
 John James Jr
 Sherry Borden
 Caesar Leita
 Cesar Inzary
 Cesar Inzary
 Clifford Mccann
 Clifford Mccann
 Leslie Bonin
 Matt Davis
 Matt Davis
 Kirk A. Byrd
 Paul Little
 Ron Burrow
 Edward Guy
 Edward Guy
 Christopher Freed
 Denise Upton
 Denise Upton
 Judy Frankson
 Tomika Blake
 David Meiz
 Ruby J. Lute
 Ronald J. Flink
 Randall & Wendi Stacy
 Wilfred C. Lute
 Tomisha Robinson
 Seanta
 Barbara Jackson
 Kimberly Bell
 Valente Cantu Jr
 Valente Cantu Jr

Download
 Statistics By Leadsource for the Full Month of - May
 Date Sold BETWEEN '2005-05-01 05:00:00' and '2005-06-01 05:00:00'

Name	Total Leads	Working	Completed	Invalid	Sold
	#	#	#	Pct	Pct
Auto Trader	59	12	42	5	8.5%
Autofusion	30	1	18	11	36.7%
AutoMark	20	0	0	20	100.0%
Bill Heard	1	0	1	0	0.0%
Chronicle Cars	35	4	28	3	8.6%
Dealer.com	2	0	0	2	100.0%
Email Direct	2	0	2	0	0.0%
GM Buy Power	112	67	30	15	13.4%
IPX Get Approved	12	1	9	2	16.7%
IPX Web Site	282	30	176	76	27.0%
IPX-Parts Service	9	1	3	5	55.6%
IPX-Specials Request	15	2	6	7	46.7%
Live Agent Chat	1	0	1	0	0.0%
Our IPX Website	172	20	113	39	22.7%
Our Website	19	13	4	2	10.5%
Phone Up	19	6	12	1	5.3%
Repeat Customer	15	3	12	0	0.0%
ScreenCrafters	606	63	366	177	29.2%
SolvTechnology	41	4	12	25	61.0%
StoneAge	56	8	39	9	16.1%
TuChevrolet	16	1	5	10	62.5%
Walk In	14	0	14	0	0.0%
Total	1536	236	893	409	26.5%
				100	8.8%

Done
 Internet

NET 00064

Back To Home Page

269 Leads Match

Refresh

June 03

Greg Larson

Patrick Webber

David A. Domingues

David Domingues

Chris Koster

June 02

Bill Grantham

Wally Herriman

Wayne Hamson

Denny Pipton

Sissie Bakerson

Ivelisse Torres

Bobbie Morgenroth

June 01

Andrew Wong

Connie Durouso

Jeffrey Butler

Daryl L. Stewart

Ismael Carlo

Kimella Robinson

Charles Wyatt

Centex Homes/Rick

Shaver

Blaine Tucker

Karen Roy

Karen Roy

John Pierson

Jim Petillo

Caesar Leita

Robert Led Weather Box

http://www.leadcrm.com - NetTrak Internet CRM - Microsoft Internet Explorer

Chris Garver / iLead CRM Demo

LOG OUT

QSearch

Mem

TCN

Tram

Vehicles

Credit

Email Log

History

Notes

Survey

Lead

Automation

Misc

General

Working Forward Appl

Phone Appointment

June 4th 2005 12:00PM

Prospect Id:

8611

Salesperson: Brian Cox

Incoming Date:

May 31st 2005 03:02PM

Lead Source: GM Buy Power

CDR: undefined

S

P

Name:

Denise Upton

Home Ph:

Work Ph: (281) 333-0835

Address:

5623 Main Stree

Cell Ph:

Pager: (832) 547-4743

Address2:

Alt Ph:

Fax:

City:

Houston

State:

TX

Phone Appt in ? days>

0

1

2

3

4

5

6

7

14

Email Name:

Denise

Email:

duplton@mywebpager.com

Zipcode:

77024

Year:

2003

Stk #:

23995

Make:

Chevrolet

Ext Color:

Dk Gray Metallic

Front Gross:

Model:

Tahoe

Int Color:

Gray Trim

Back Gross:

TradeYear:

2000

TradeMake:

VW

Payoff:

800

TradeModel:

Jetta

DownPmt:

1500

Credit

Employer:

IBM

Salary:

23000

Time on Job:

5 Yrs.

Loan Amt:

DOB:

Notes

Done

Internet

NET 00065

 <http://www.leadcrm.com> - NetTrak Internet CRM - Microsoft Internet Explorer

Chris Garver / iLead CRM Demo

Refresh

Dennis Milev

Pubby Luke

Dennis Wiley

Aimeeka Rainer

sqd3 allvv

Deyverick Polk

343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119 1120 1121 1122 1123 1124 1125 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1159 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171 1172 1173 1174 1175 1176 1177 1178 1179 1180 1181 1182 1183 1184 1185 1186 1187 1188 1189 1190 1191 1192 1193 1194 1195 1196 1197 1198 1199 1200 1201 1202 1203 1204 1205 1206 1207 1208 1209 1210 1211 1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 1231 1232 1233 1234 1235 1236 1237 1238 1239 1240 1241 1242 1243 1244 1245 1246 1247 1248 1249 1250 1251 1252 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262 1263 1264 1265 1266 1267 1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283 1284 1285 1286 1287 1288 1289 1290 1291 1292 1

1677
1678

Figure 1

May 22

May 2 1964/1965

Tiffany Weisen

Faisal Corley

lose heavily asor

Done

Done

No Birthdays Today

No Birthdays Today

Done

Internet

9/18/2007

NET 00066

EXHIBIT M



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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Sat Aug 4 04:09:01 EDT 2007

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FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you.

 List At: OR to record:
Record 2 out of 3

(Use the "Back" button of the Internet

Browser to return to TESS)**Typed Drawing****Word Mark** **NETRACK**

Goods and Services IC 038. US 100 101 104. G & S: telecommunications services, namely, providing access to a global computer network by server colocation, and providing computer leased line and frame relay connectivity for electronic transmission and reception of information. FIRST USE: 19960306. FIRST USE IN COMMERCE: 19960429

Mark Drawing Code (1) TYPED DRAWING**Serial Number** 75287548**Filing Date** May 6, 1997**Current Filing Basis** 1A**Original Filing Basis** 1A**Published for Opposition** December 2, 1997**Registration Number** 2139229**Registration Date** February 24, 1998**Owner** (REGISTRANT) NeTrack LLC LLC COLORADO P O Box 17565 Boulder COLORADO 803080565

(LAST LISTED OWNER) NETRACK, INC. CORPORATION BY ASSIGNMENT NOT PROVIDED P. O. BOX 17565 BOULDER COLORADO 803080565

Assignment Recorded ASSIGNMENT RECORDED**Attorney of Record** CARL OPPEDAHN**Type of Mark** SERVICE MARK**NET 00067**

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	SEARCH OG	TOP	HELP		CURR LIST
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NET 00068

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-09-07 20:27:16 ET

Serial Number: 75287548 Assignment Information Trademark Document Retrieval

Registration Number: 2139229

Mark (words only): NETRACK

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2003-07-10

Filing Date: 1997-05-06

Transformed into a National Application: No

Registration Date: 1998-02-24

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-04-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. NETRACK, INC.

Address:

NETRACK, INC.

P. O. BOX 17565

BOULDER, CO 803080565

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Not Provided

GOODS AND/OR SERVICES

International Class: 038

Class Status: Active

telecommunications services, namely, providing access to a global computer network by server colocation, and providing computer leased line and frame relay connectivity for electronic transmission and reception of information

Basis: 1(a)

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=75287548>

NET 00069

9/7/2007

First Use Date: 1996-03-06

First Use in Commerce Date: 1996-04-29

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-04-01 - Case File In TICSRS

2006-01-24 - TEAS Change Of Correspondence Received

2003-07-10 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-04-19 - Section 8 (6-year) and Section 15 Filed

2003-04-21 - TEAS Section 8 & 15 Received

1998-02-24 - Registered - Principal Register

1997-12-02 - Published for opposition

1997-10-31 - Notice of publication

1997-10-02 - Approved for Pub - Principal Register (Initial exam)

1997-10-01 - Examiner's amendment mailed

1997-09-22 - Non-final action mailed

1997-09-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CARL OPPEDAHL

Correspondent

Oppedahl & Olson LLP

P O Box 5388

Dillon CO 80435-5388

Phone Number: 970 468 8600

EXHIBIT N

Enter Web Address: <http://>

All

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Note some duplicates are not shown. See all.

* denotes when site was updated.

Search Results for Jan 01, 1996 - Sep 08, 2007

1996	1997	1998	1999	2000	2001	2002	2003
2 pages	1 pages	5 pages	1 pages	7 pages	9 pages	18 pages	23 pages
Nov 12, 1996 *	Jun 29, 1997 *	Jan 27, 1998 *	Apr 28, 1999 *	May 11, 2000 *	Jan 24, 2001 *	Mar 28, 2002 *	Jan 30, 2003
Dec 24, 1996 *		May 15, 1998 *		May 19, 2000	Feb 02, 2001 *	Mar 30, 2002	Feb 07, 2003
		Jul 11, 1998 *		Jun 20, 2000	Feb 05, 2001	May 27, 2002 *	Feb 10, 2003
		Dec 06, 1998 *		Aug 15, 2000 *	Feb 05, 2001 *	May 30, 2002	Feb 17, 2003
		Dec 12, 1998		Aug 24, 2000	Mar 01, 2001 *	Jun 04, 2002	Mar 30, 2003
				Oct 18, 2000	Mar 02, 2001	Jun 15, 2002 *	Apr 04, 2003
				Oct 24, 2000	Apr 01, 2001	Jul 25, 2002 *	Apr 11, 2003
					Apr 20, 2001	Jul 27, 2002	Apr 23, 2003
					Jul 20, 2001	Aug 02, 2002	May 24, 2003
						Aug 06, 2002	Jun 09, 2003
						Sep 23, 2002	Jun 18, 2003
						Sep 25, 2002	Jun 19, 2003
						Sep 28, 2002	Jun 23, 2003
						Sep 29, 2002	Aug 04, 2003
						Oct 26, 2002	Aug 21, 2003
						Nov 24, 2002 *	Oct 13, 2003
						Nov 27, 2002 *	Oct 23, 2003
						Dec 25, 2002	Oct 24, 2003
							Nov 18, 2003
							Nov 20, 2003
							Nov 24, 2003
							Nov 25, 2003
							Nov 28, 2003

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EXHIBIT O

NeTrack™

Web Server Colocation

High Speed Access

DSL Access

Price List

Facility Description

Service Standards

Customers

Content Master

Request Quote

Order Service

Contact NeTrack

High Speed Internet Access Services

NeTrack web server colocation service provides reliable high speed megabit access for your web server systems without costly lines to your site or the hassles of a complex firewall, modems, or routers. NeTrack prices are the lowest on the Internet. Get on the right track, locate your web servers at NeTrack!



DSL is Here

For additional information email our sales staff.



webmaster@netrack.com

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NeTrack? is a registered trademark of NeTrack LLC.



Internet webpage www.netrack.com
as archived on 07/11/1998.

EXHIBIT P

NeTrack®

**Locally Owned:
Profits donated
to local charities**

Complete Networking Services

Go no further. NeTrack can provide all your networking needs. From Internet access and web development to consulting and security services.

NEW

**Register your
.com, .net, .org, .biz or .info
domain name**

NEW

NeTrack has high speed services to suit every need from web server co-location to satellite access for even the most remote site.

MEGABIT
SERVICES™

For additional information email our sales staff, sales@netrack.net.

Code-Red Information

DSL Safety Net

webmaster @netrack.net
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Internet webpage www.netrack.com
as archived on 12/25/2002.

EXHIBIT Q

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to local charities**

Complete Networking Services

Go no further. NeTrack can provide all your networking needs. From Internet access and web development to consulting and security services.

NEW

**Register your
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domain name**

NEW

NeTrack has high speed services to suit every need from web server co-location to satellite access for even the most remote site.

**MEGABIT
SERVICES**

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Code-Red Information

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NEW

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domain name**

NEW

NeTrack has high speed services to suit every need from web server co-location to satellite access for even the most remote site.

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webmaster@netrack.net
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Internet webpage www.netrack.com
as archived on 08/21/2003.

EXHIBIT S



Reach
Height

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OUR SERVICES

T1**DSL****Dialup****Co-location****Web Hosting****Email Hosting****303.938.0188****888.9NETRACK**

Complete Networking Services

NeTrack can provide all your networking needs. From T1 lines and DSL to managed services, email and web hosting, domain registration and consulting. NeTrack has high speed services to suit every need and most every location.

DSL

Available from Fort Morgan to Durango as low as \$34.95/mo total.

Co-location

T3 access for your web server starting at \$99/mo.

Spam Control

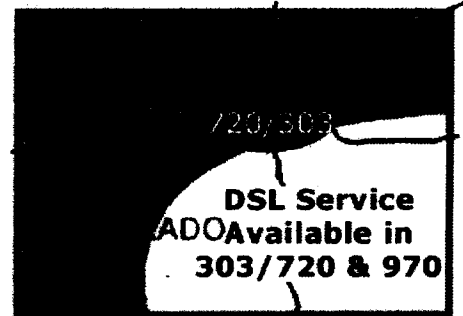
Get a handle on your mail using Cybox email.

Web Email

Access your Cybox email from anywhere.

For additional information call our office or email our sales staff, sales@netrack.net.

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NeTrack® and Cybox® are registered trademarks of NeTrack Inc.



Internet webpage www.netrack.net
as archived on 09/22/2003

EXHIBIT T

NETRACK

Reach
Height


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[Domains](#)
[About Us](#)

OUR SERVICES

T1

DSL

Dialup

Co-location

Web Hosting

Email Hosting

303.938.0188
888.9NETRACK

Complete Networking Services

NeTrack can provide all your networking needs. From T1 lines and DSL to managed services, email and web hosting, domain registration and consulting. NeTrack has high speed services to suit every need and most every location.

DSL

Available from Fort Morgan to Durango as low as \$39.95/mo total.

Co-location

T3 access for your web server starting at \$75/mo.

Spam Control

Get a handle on your mail using Cybox email.

Web Email

Access your Cybox email from anywhere.

For additional information call our office or email our sales staff, sales@netrack.net.



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Internet webpage www.netrack.com
as archived on 10/24/2003.

EXHIBIT U



You need to upgrade your Flash Player. Support Net Neutrali

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OUR SERVICES

T1 T3

DSL

Dialup

Co-location

Web Hosting

Email Hosting

VoIP

303.938.0188

866.938.0188



I used to get 2000
messages a day.
Now I get 50-100.
It's unbelievable! - JR



Complete Networking Services

ORDER NOW!

Netrack can provide all your Internet access service needs. From dialup, web hosting and domain registration to high-speed broadband, managed services, voip, and consulting. Netrack supports business and residential customers with knowledgeable and professional technical staff.

Voice over IP Anywhere (VoIP) **NEW!**

Digital quality telephone service over your Internet connection. Use your existing telephones if you like. Works on any broadband connection **nationwide!**

Nationwide Dialup

56k and ISDN access in almost 3000 cities **nationwide.**

Spam Control

Netrack blocks more spam and virus mail than any other ISP! We currently block almost 100% of spam before it gets to your box. Get a handle on your mail using Netrack's Cybox email.

Web Email

Access your Cybox email from anywhere in addition to pop/imap.

Web Hosting

Host your professional web site for as little as \$19 per month.

Domain Registration

Register your .com, .org, .net, .biz, .info, or .hm domains for only \$14.99.

DSL

Speeds up to **7 Mbps** available in Colorado from Fort Morgan to Durango as low as \$15.00/mo.

Co-location

High-speed datacenter access for your web server starting at \$75/mo.

For additional information call our office or email our sales staff, sales@netrack.net.

Contact Policy

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EXHIBIT V



Enter Web Address: <http://>

All

Take Me Back

Adv. Search Compare Archive Pages

Searched for <http://www.netrack.net>

117 Results

Note some duplicates are not shown. [See all](#).
* denotes when site was updated.

Search Results for Jan 01, 1996 - Aug 07, 2007

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
1 pages	4 pages	7 pages	14 pages	6 pages	16 pages	23 pages	11 pages	9 pages	13 pages	
Apr 16, 1997 *	Jan 27, 1998 *	Jan 25, 1999 *	Mar 02, 2000 *	Feb 02, 2001 *	Mar 28, 2002 *	Feb 07, 2003 *	Feb 24, 2004 *	Feb 02, 2005 *	Jan 06, 2006 *	
	Dec 02, 1998 *	Jan 28, 1999 *	Apr 11, 2000 *	Apr 01, 2001 *	May 27, 2002 *	Feb 10, 2003 *	Mar 18, 2004 *	Feb 04, 2005 *	Jan 11, 2006 *	
	Dec 05, 1998	Feb 08, 1999	Apr 18, 2000	May 16, 2001	May 30, 2002	Feb 17, 2003	Mar 31, 2004 *	Feb 10, 2005	Feb 08, 2006	
	Dec 12, 1998 *	Feb 10, 1999 *	Apr 24, 2000	May 17, 2001	Jun 03, 2002	Mar 31, 2003	May 18, 2004 *	Feb 12, 2005	Apr 05, 2006 *	
		Mar 02, 1999	May 05, 2000	Nov 30, 2001 *	Jun 04, 2002 *	Apr 05, 2003	May 19, 2004	Mar 03, 2005	Jun 13, 2006	
		Apr 22, 1999 *	May 11, 2000	Dec 23, 2001	Jul 25, 2002 *	Apr 18, 2003	Jun 04, 2004	Mar 26, 2005	Jun 16, 2006	
		Apr 28, 1999	May 20, 2000		Jul 27, 2002	Apr 23, 2003	Jun 10, 2004	Mar 31, 2005	Jul 02, 2006	
			Jun 12, 2000		Aug 02, 2002	Apr 24, 2003	Aug 31, 2004 *	Apr 01, 2005	Jul 08, 2006	
			Jun 21, 2000		Aug 29, 2002	May 24, 2003	Sep 19, 2004	Aug 25, 2005 *	Jul 13, 2006	
			Aug 19, 2000 *		Sep 23, 2002	Jun 07, 2003	Sep 24, 2004		Jul 15, 2006	
			Oct 24, 2000		Sep 25, 2002	Jun 09, 2003	Dec 03, 2004 *		Aug 14, 2006 *	
			Oct 29, 2000		Sep 28, 2002	Jun 19, 2003			Sep 08, 2006	
			Dec 04, 2000 *		Sep 29, 2002	Jun 24, 2003			Oct 04, 2006	
			Dec 11, 2000		Nov 24, 2002 *	Aug 04, 2003				
					Nov 27, 2002	Sep 22, 2003 *				
					Nov 28, 2002	Oct 13, 2003 *				
						Oct 23, 2003 *				
						Oct 27, 2003				
						Nov 19, 2003				
						Nov 24, 2003 *				
						Nov 25, 2003				
						Nov 29, 2003				
						Dec 04, 2003				

NET 00084

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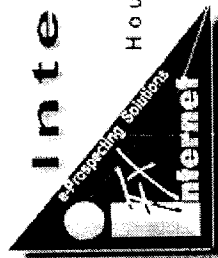
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EXHIBIT W

Internet FX

e-Prospecting Solutions

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Internet FX

19202 Foxtree Ln.
Houston, Texas 77094
281.579.0891

Learn About

NetTrak

NetTrak

For More Information on
This Powerful e-Prospecting Tool

NetTrak Screen Shots

Interactive Demo of the NetTrak
Palm Vix Remote Access Device

buzzmail

Our Mission Statement

Internet FX provides you affordable solutions that will help you
achieve your goals in the exciting world of e-commerce.

Simple Solutions To effective e-Prospecting

Internet FX Partners



HomeNet

EFG companies



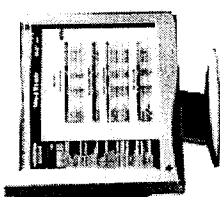
DEALER C.A.T.

Coming Soon

s-Prospecting Solutions

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The Tools You Need To Get Your Share!



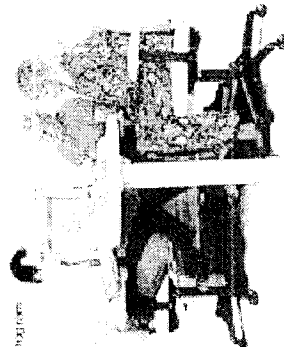
Lead Management Program



Rem. dia Access



Wireless Notification



Focus Points On NetTrak

- Ease of use for Managers
- Ease of Use For Sales Consultants
- One Tracking Program
- Why NetTrak Works
- Wireless Lead Notification
- Tell Me More About NetTrak



User Friendly - Managment

[Close Window](#)

Managers who typically will not be using the program on a daily basis need a program that is quick and easy for them to go in and get that snapshot of how the department is doing on any given day. With NetTrak, managers can learn to pull important statistical data in minutes.

Focus Points On NetTrak

[Ease of use for Managers](#)

[Ease of Use For Sales Consultants](#)

[One Tracking Program](#)

[Why NetTrak Works](#)

[Wireless Lead Notification](#)

[Tell Me More About NetTrak](#)

Coming Soon

e-Prospecting Solutions

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User Friendly Sales Consultants

[Close Window](#)

Sales Consultants Need a program with powerful prospecting tools but also a program that is user friendly with a short learning curve to productivity. Complicated and Cumbersome programs typically go by the wayside in a short period of time in most Dealerships. NetTrak gives a very user friendly interface that most sales consultants can start using almost right away.

Focus Points On NetTrak

- [Ease of use for Managers](#)
- [Ease of Use For Sales Consultants](#)
- [One Tracking Program](#)
- [Why NetTrak Works](#)
- [Wireless Lead Notification](#)
- [Tell Me More About NetTrak](#)

One Tracking Program

[Close Window](#)

The main concept behind the development of NetTrak was one Internet Lead tracking program that could take all of the different lead sources a Dealership might subscribe to. NetTrak is currently programmed to accept over 40 different Internet Lead Sources. If we can receive a lead by form e-mail, we can automatically get that lead into NetTrak. With one tracking program it becomes simple to manage and measure the results of your Internet Department.

Focus Points On NetTrak

[Ease of use for Managers](#)

[Ease of Use For Sales Consultants](#)

[One Tracking Program](#)

[Why NetTrak Works](#)

[Wireless Lead Notification](#)

[Tell Me More About NetTrak](#)

NetTrak Really Works

[Close Window](#)

NetTrak was designed and developed by a team of people with vast amounts of Automobile experience from Sales Consultants to General Manager. NetTrak's final development was done in the real world environment of a large metro area Car Dealership. Many of the features in NetTrak today or as a direct result of comments and suggestions from Sales Consultants using the program on a day to day basis.

Focus Points On NetTrak

- [Ease of use for Managers](#)
- [Ease of Use For Sales Consultants](#)
- [One Tracking Program](#)
- [Why NetTrak Works](#)
- [Wireless Lead Notification](#)
- [Tell Me More About NetTrak](#)

Wireless Lead Notification

[Close Window](#)

One of the most important aspects of any tracking program is it's ability to notify Sales Consultants of new customer information requests. NetTrak is compatible with all 3 of the major wireless devices available.

- 1 - Alpha Pagers (one way device)
- 2 - e-mail pagers (two way devices)
- 3 - PCS Web Browser Cell Phones (One Device Solution)

Focus Points On NetTrak

[Ease of use for Managers](#)

[Ease of Use For Sales Consultants](#)

[One Tracking Program](#)

[Why NetTrak Works](#)

[Wireless Lead Notification](#)

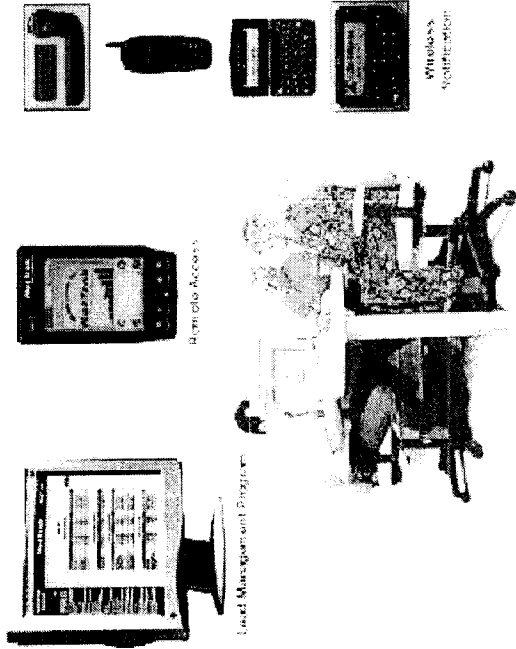
[Tell Me More About NetTrak](#)

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The Tools You Need To Get Your Share!




NetTrak
With mywebpager

Tools In NetTrak


Focus Points On NetTrak




Internet




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NetTrak buzzmall



Automotive News Story



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NetTrak

E-Prospecting Tools



Automotive News Story

NetTrak
buzzmail

Internet

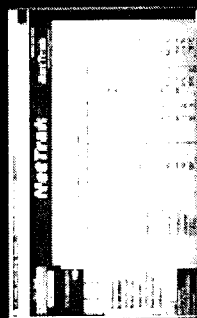
e-Prospecting Solutions

More information on NetTrak

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PRODUCTIVELY
less than **ONE HOUR**
Training



Automotive News Story

NetTrak
buzzmail

Palm VIIx

NetTrak
buzzmail

Automotive News Story

Created
buzzmail

NetTrak
If No web browser

Coming Soon

e-Prospecting Solutions

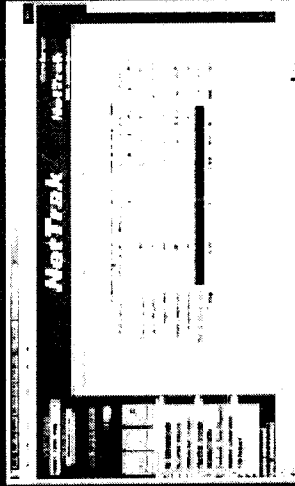
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Deal Saver Auto CSI Reports



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Ease of Use

START USING

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EXHIBIT X



Palm VIIx Handheld
3D Series

The NetTrak Palm VIIx is the Ultimate Internet Sales Tool

NetTrak Functions Available on the Palm Viix

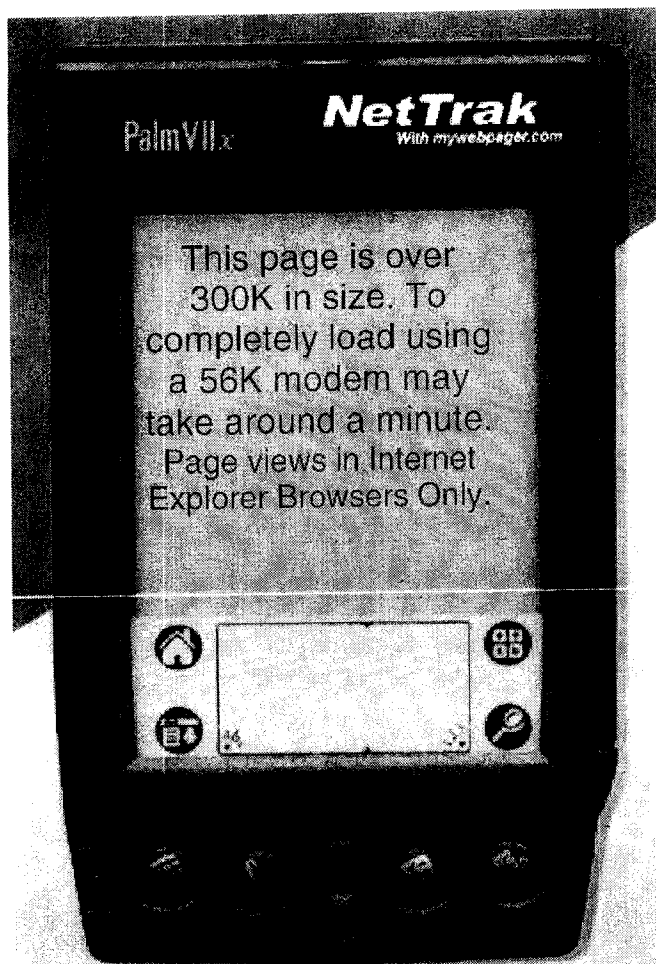
- 1- Check New Leads.
- 2- Send e-mail templates.
- 3- Send custom e-mail.
- 4- Change Status on Customer Page.
- 5- Search your customer database.
- 6- Check incoming e-mail.
- 7- Read incoming e-mail.
- 8- Set Appointments
- 9 - View Important Customer Information.
- 10 - View All Working Leads
- 11 - Check Sales Statistics
- 12 - View upcoming Appointment List.

Other Useful Palm Applications

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Palm VIIx Handheld
JD Demo

Welcome to our interactive
Demo of the Palm Viix Remote
Device for the NetTrak Lead
Management Program.

Use the 2 main menu
links below to help you navigate
this demo.

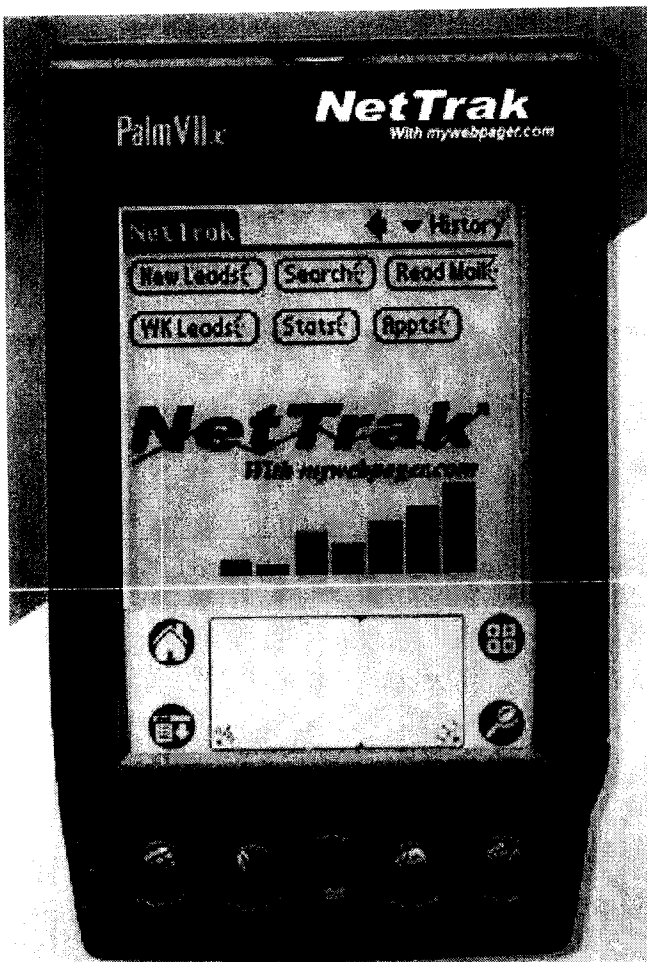
[Start Demo](#)

To Contact Internet FX
About this exciting
New Product.
[Click Here](#)

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Palm VIIx Handheld
3D Demo

Once you are at the "Welcome to NetTrak" Screen you have 6 options to choose from.

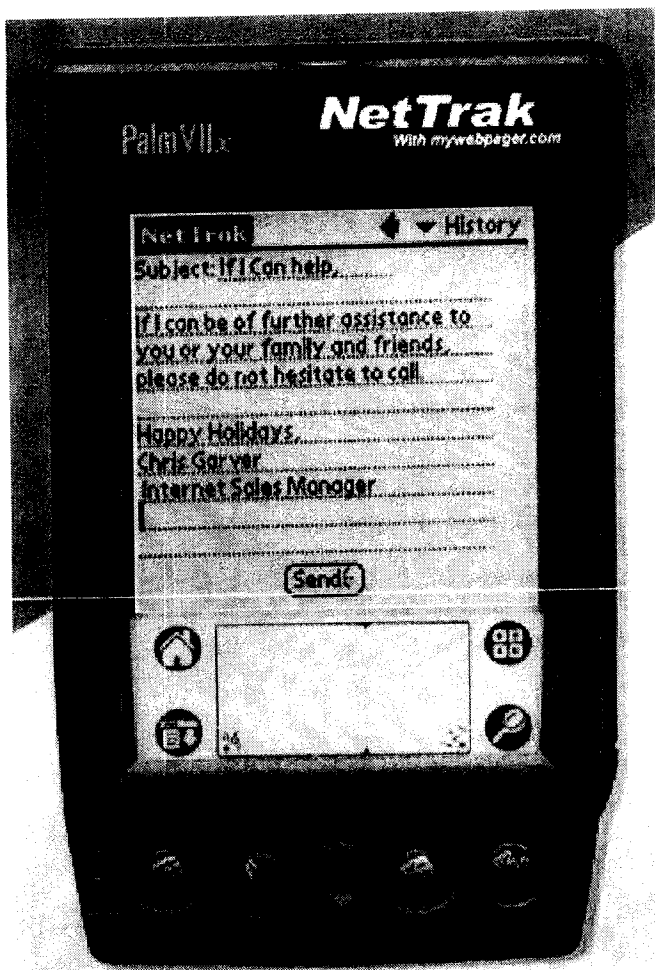
- 1 - Select "New Leads"
- 2 - "Search" Your Database
- 3 - "Read Mail" - Check e-mail
- 4 - Select "Working Leads"
- 5 - Check "Stats"
- 6 - View Your "Appointments" Page

Click on the desired Function

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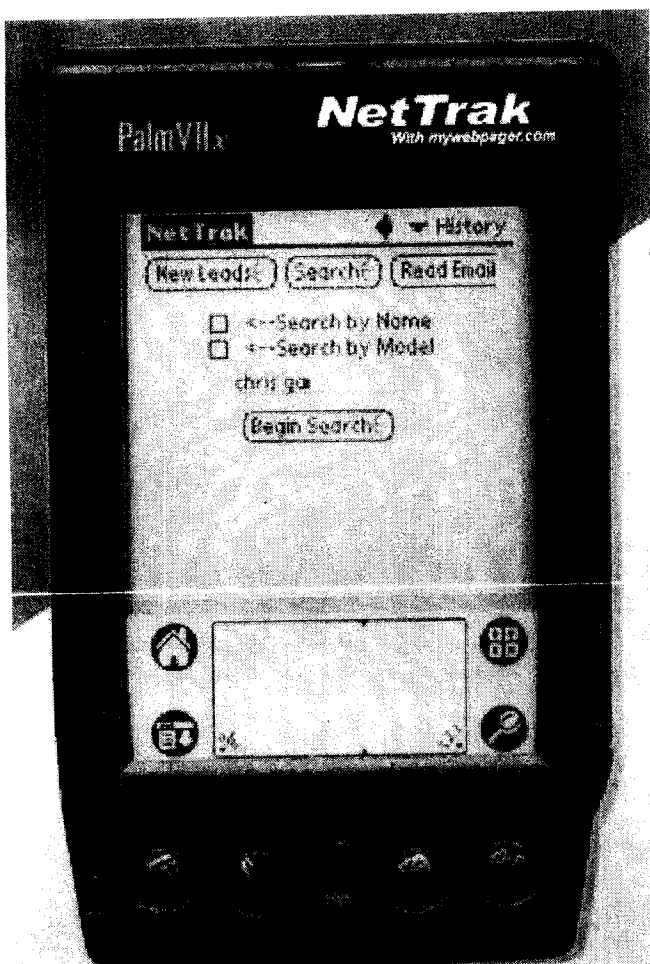
Palm VIIx Handheld
3D Demo

Enter your custom e-mail
Reply and Click on the
Send Button

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Palm V71x Handheld
30 Beams

The NetTrak Remote Device gives you the ability to search your entire database for customers you have sold and customers you are working with.

Search your NetTrak database by customer name or model of car.

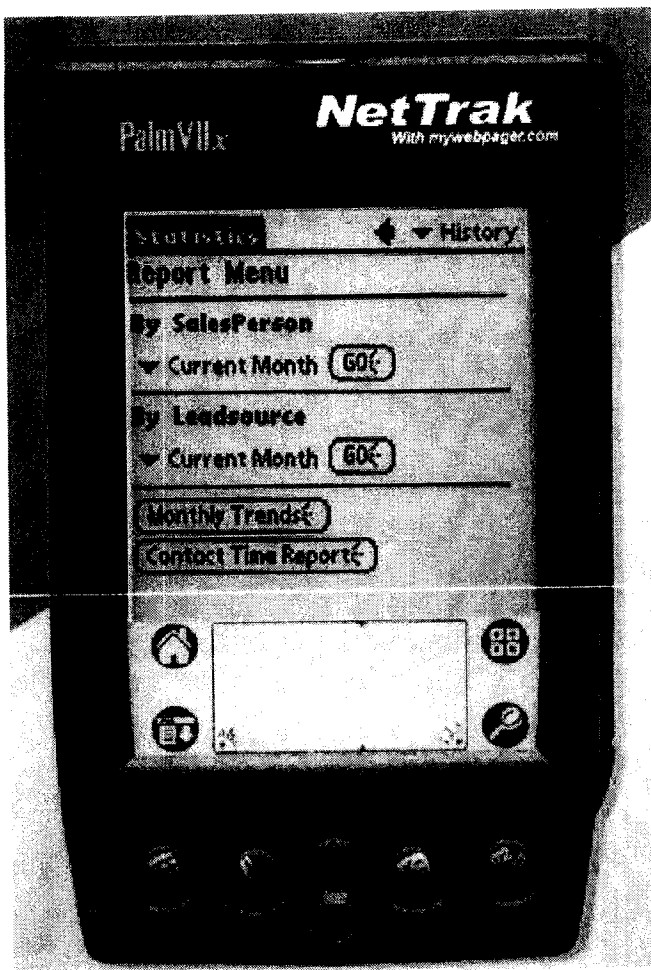
Click on "Begin Search" to simulate a search results page.

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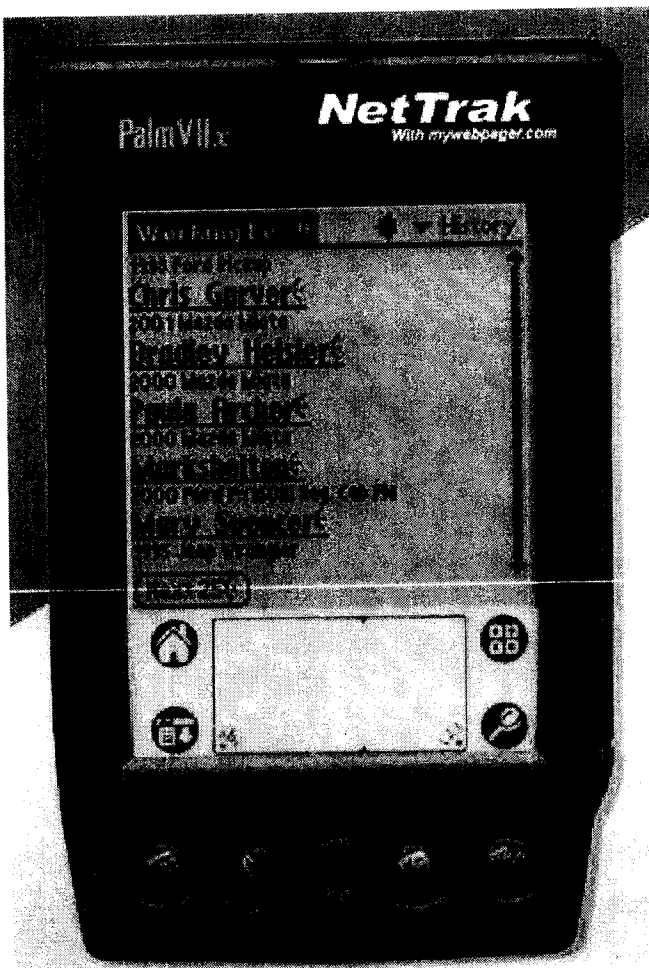
Palm V11x Handheld
3D Demo

The NetTrak Statistics page gives you a number of easy options:
 1 - Stats by Salesperson or Lead Source for current month, 30 days, 60 days or 90 days running.
 2 - Monthly trends Report
 3 - Time to first contact report.

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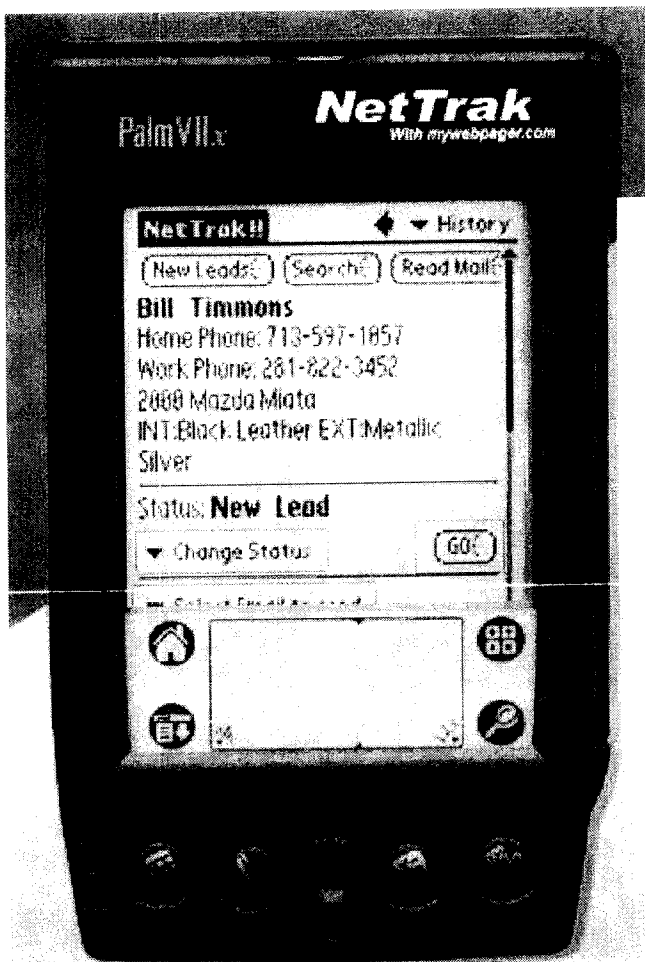
Palm VIIx Handheld
30 Demo

When you select "Working Leads" you are looking at all the current prospects you are trying to sell. Click on a name to bring up the customer page.

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Palm V11x Handheld
3D Demo

The remote Access version of the customer page displays the critical contact information on that customer.

From the Customer Page, You Can:

- 1 - Set a Demo Appointments
- 2 - Send a Template email
- 3 - Send a Custom e-mail message
- 4 - Change the Customer Status
- 5 - Set a Delayed Contact Appoint.

To simulate changing a status -

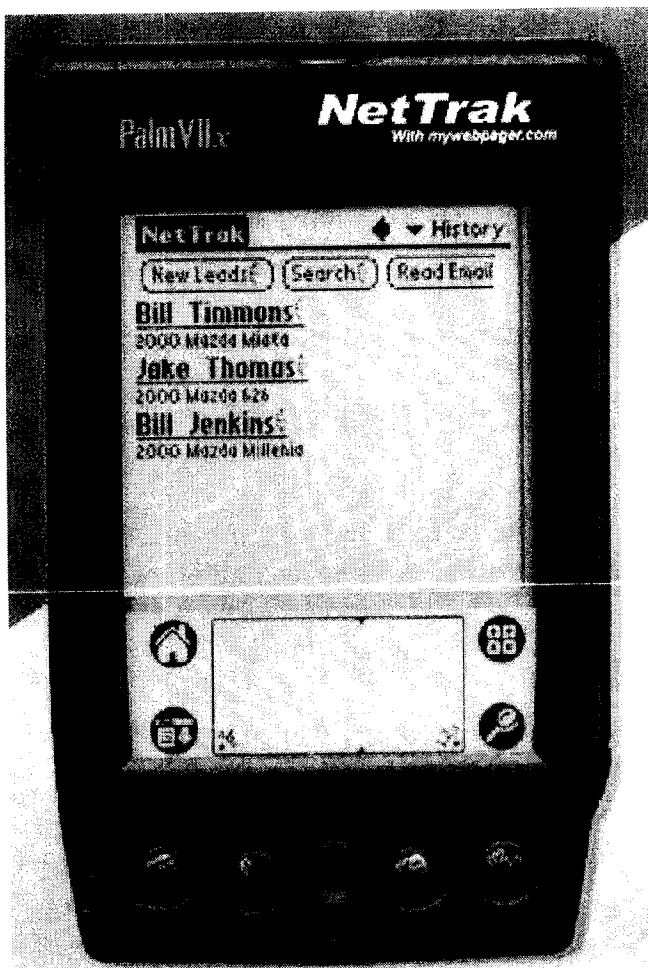
- 1 - Click on "Change Status"
- 2 - Select "Called Customer"
- 3 - Click on "Go" on customer page.

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Palm V71x Handheld
30 Days

In NetTrak, "New Leads" are leads that have come into the program which no action has been taken on.

"New Leads" are important because response time to leads is such a critical issue.

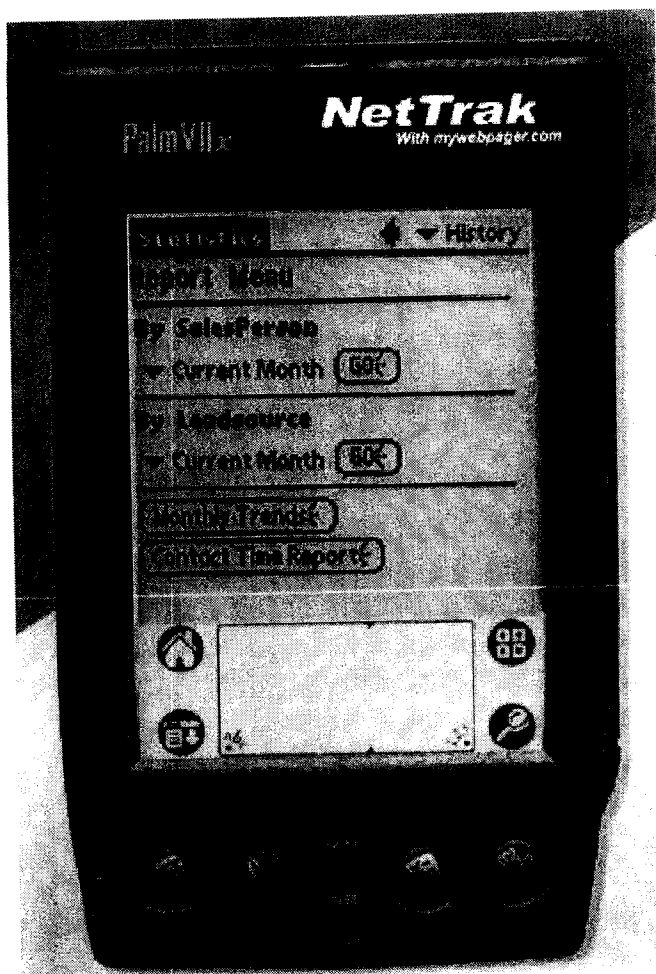
To View the customer page on a New Lead, Click on "Bill Timmons" Name.

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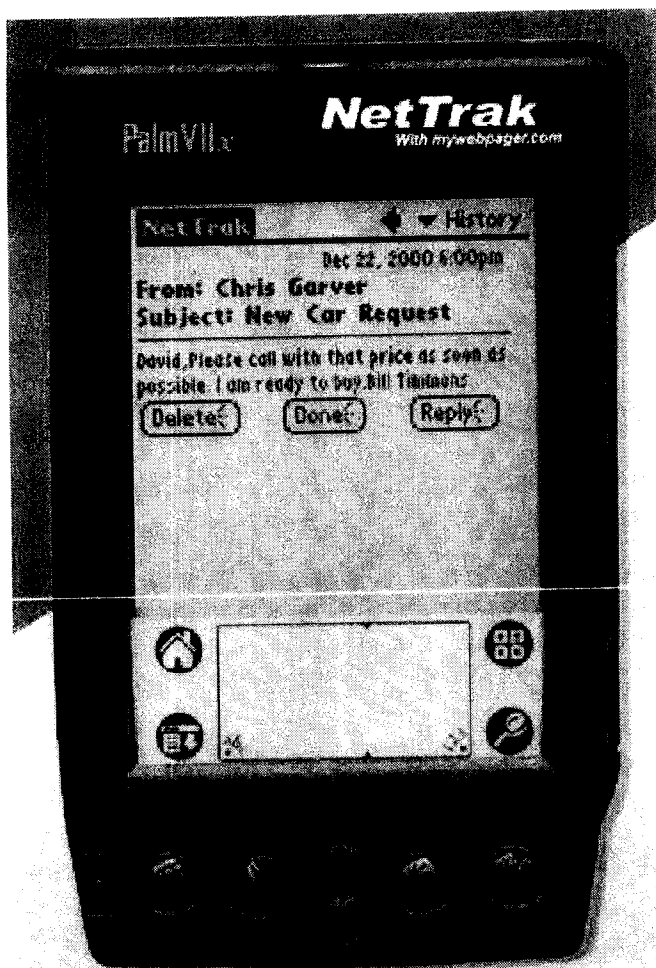
Palm V71x Handheld
3D Demo

The NetTrak Statistics page gives you a number of easy options:
1 - Stats by Salesperson or Lead Source for current month, 30 days, 60 days or 90 days running.
2 - Monthly trends Report
3 - Time to first contact report.

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Palm V71x Handheld
100 Series

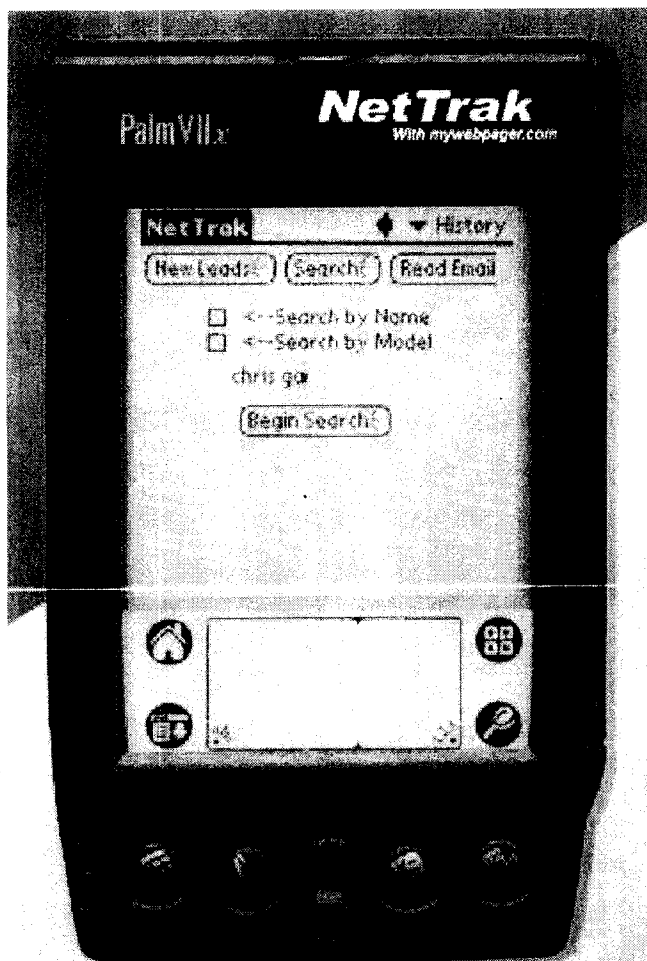
The NetTrak Palm Remote Device gives you the ability to respond to e-mail messages when you are away from the business.

- 1 - Read mail
- 2 - Delete mail
- 3 - Reply to mail

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Palm V11x Handheld
3D Demo

The NetTrak Remote Device gives you the ability to search your entire database for customers you have sold and customers you are working with.

Search your NetTrak database by customer name or model of car.

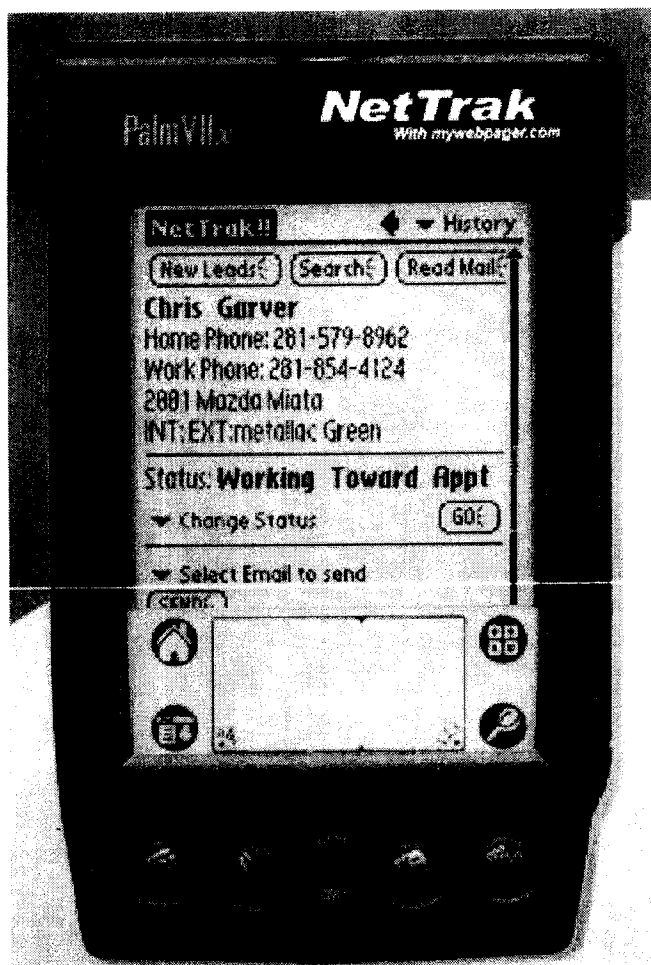
Click on "Begin Search" to simulate a search results page.

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Palm V11x Handheld
3D Demo

You can set Demo Appointments and Future Delayed Contact appointments from your NetTrak Remote Access Device.

To Set an Appointment:

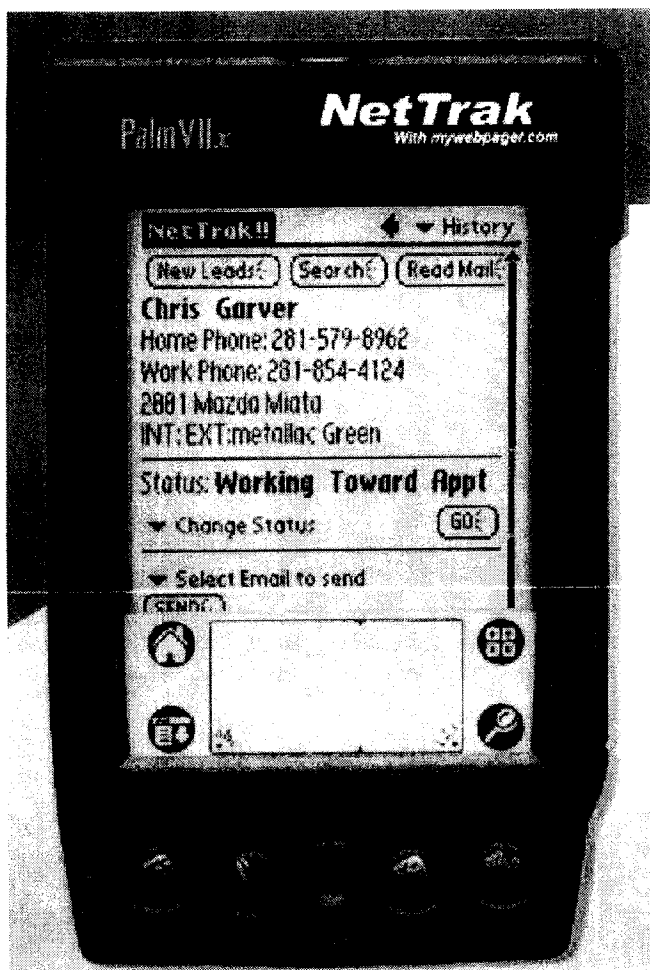
- 1 - Click on Change Status
- 2 - Select "Set Appointment"
- 3 - Click on "Go".
- 4 - Set Day, Month, Year & Time.
- 5 - Click Apply Date

Your Screen will revert to the customer page where your current status will now be Appointment set with the Date and Time of the Appointment listed below.
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To send one of your template e-mails in NetTrak:

1 - Scroll down the customer page and click on "Select Email to send".

2 - Select your custom e-mail template and the popup window will disappear.

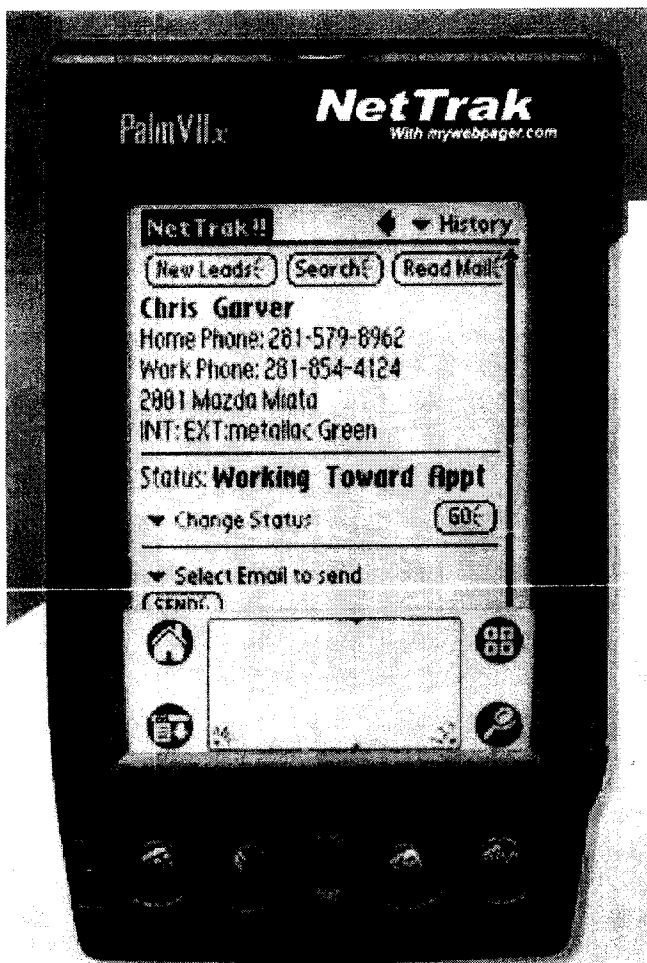
3 - To send your selected template just click on the send button.

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To send a custom e-mail message from the customer page:

- 1 - Scroll down the customer page and click on "Custom Message".
- 2 - Type in the Custom message and click on the "Send" button at the bottom of the page.
- 3 - Once your custom message has been sent, the customer page will reappear and the new status will be - "E-mail sent".

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EXHIBIT Y

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Providing multi-platform marketing for Auto Dealers.

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NetTrak is a web based lead Management tool that allows dealerships to better manage Internet, Phone or Showroom traffic leads. Being web based gives Sales Guides and Managers the ability to access leads and reports from anywhere they can access the Internet. NetTrak uses SFA (Sales Force Automation) and CRM (Customer Relations Management) functions to help a Dealership better manage prospect and customer databases.



NetTrak
CRM / Prospect Manager

*Key Benefits of the NetTrak system***(A) Ease of use**

We have recognized that many programs do not work successfully in a Dealership environment, usually because they are too complicated and require too much training. With the high turnover experienced in many Dealerships, NetTrak had to be a program that new users could pick up and start using productively within hours.

(B) A Tool that Salespeople would want to use

Many programs and systems fail in dealerships just because the Sales Guides don't like them. To guard against this possibility, a large percentage of the features in NetTrak are based on the suggestions and feedback garnered from Sales Guides. We felt it was critical that NetTrak be a tool that they would want to use, that made their life easier and made them more money.

(C) Simple Reporting for Managers

Managers have easy and even automatic email delivery of all the reports available in NetTrak.

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